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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92056168
Party	Plaintiff Legend Pictures LLC
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Attachments	Legend Motion For Sanctions and to Suspend against Davis.pdf(156309 bytes) EXHIBIT A REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST AND SECOND SET OF INTERROGATORIES.pdf(372413 bytes) EXHIBIT B REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS 1-39.pdf(386946 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LEGEND PICTURES, LLC)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92056168
)	
QUENTIN DAVIS)	
)	
Respondent)	

**PETITIONER’S MOTION FOR DISCOVERY SANCTIONS
AND FOR SUSPENSION**

I. INTRODUCTION AND ISSUES PRESENTED

This case now comes before the TTAB on Petitioner, Legend Pictures, LLC’s, (Legend Pictures or Petitioner) Motion for Sanctions. Once again, Davis has chosen to ignore and willfully refuse to comply with the Board’s orders compelling discovery. As this is a potentially dispositive motion, Legend Pictures also requests that the Board suspend proceedings pending its decision on this motion.

The Board has twice ordered Davis to answer the same discovery. Specifically, on both September 22, 2013 and January 7, 2014, the Board ordered Davis to:

- Answer Legend Picture’s Interrogatory Nos. 1-21;
- Answer, without objection, and produce all documents responsive to Legend Pictures’ Requests for Production Nos. 2, 3, 4, 5, 6(a), 7, 12-29 and 31-39;
- Answer and produce all documents responsive to Legend Pictures’ Requests for Production Nos. 1, 6(b), 8-11 and 30; and
- Produce a privileged document log.

In its latest Order to Compel, on January 7, 2014, the Board ordered Davis to fully comply with its order within fifteen days, i.e. by January 22, 2014.

Additionally, the Board expressly warned Davis that failing to completely and timely comply with its order by that date could result in sanctions.

Again, Davis has failed and has refused to comply with a direct Board order. Directly defying the Board order, Davis refused to serve any responses by January 22, 2014. In fact, Davis failed to serve, inter alia, any responses to Petitioner's document requests until February 19, 2014. Moreover, utterly defying the Board's direct order, Davis objected to Requests for Production Nos. 2, 3, 4, 5, 6(a), 7, 12-29 and 31-39 – the very production requests he was ordered to answer without objection. Further, he continues to withhold documents on the claim of privilege while refusing to produce a privilege document log.

In short, Davis has willfully and repeatedly disregarded direct, express and clear Board orders and his discovery obligations, thereby rendering it impossible for Legend Pictures to proceed

A. Nature of the case

On October 7, 2010, Davis filed application Serial No. 85147849 to register the mark LEGENDARY for “Entertainment in the nature of a live musical performances; Entertainment in the nature of live performances by a musical artist; Entertainment, namely, live music concerts; Live performances featuring prerecorded vocal and instrumental performances viewed on a big screen; Record production; Music production; Audio recording and production; Videotape production; Motion picture song production; Production of video discs for others; Recording studios; Entertainment services, namely,

production and distribution of musical audio and video programs; Production and distribution of musical audio and video recordings for broadcast; Music composition and transcription for others; Song writing services; Music publishing services; Entertainment, namely, personal appearances by a musician or entertainer; Entertainment services, namely, live, televised and movie appearances by a professional entertainer; Entertainment services, namely, providing a web site featuring non-downloadable musical performances, musical videos, and photographs; Entertainment services, namely, providing non-downloadable prerecorded music, and providing information, commentary and articles about music, all online via a global computer network; Entertainment in the nature of live traveling tour performances by a professional entertainer featuring music”.

This application was based on “intent to use”. On December 27, 2011, Davis filed a Statement of Use for all these services, claiming September 1, 1999 as his date of first use anywhere, and June 29, 2011 as his date of first use in commerce. Based on the Statement of Use, Davis’ application issued as Registration No. 4,106,459, on February 28, 2012.

Legend Pictures owns numerous registrations incorporating the term LEGENDARY for a variety of goods and services. These include LEGENDARY PICTURES, Reg. No. 3,412,677, and LEGENDARY PICTURES & Design, Reg. No. 3656926 and Reg. No. 3621043 for “entertainment services” in the nature of, inter alia, “production and distribution of motion picture films.”

In 2011, Petitioner filed application Serial Nos. 85331782 and 85331756 to register the mark LEGENDARY & Design for goods and services in Classes 9, 16 and 41.

Davis' Registration was cited as a Section 2(d) bar to the registration of these marks.

Legend Pictures alleges that from December 27, 2011, Davis made material misrepresentations while soliciting the benefits of a registration from the USPTO. Specifically, Legend Pictures' contends that Davis did not and does not use its mark in connection with all the services listed in Davis' Statement of Use. Thus, finding no basis to support allegations that Davis used the mark upon the wide variety of services for which he fraudulently procured the registration, Legend Pictures filed a Petition to Cancel.

Legend Pictures also alleges that Davis violated Sections 14 and 45 of the Lanham Act by alternatively abandoning the mark that is the subject of Registration No. 4,106,459.

Davis denied each of the salient allegations of the Petition.

On March 14, 2013, to test the veracity of Davis' allegation that he had previously and continuously used the mark on each of the services listed, Legend Pictures served twenty interrogatories on Davis. Legend Pictures also served 30 document requests on Davis.

Almost immediately, Davis obstructed discovery. Davis refused to answer ANY of the interrogatories. Davis also refused to answer ANY of Petitioner's document requests. Davis' sole objection to these interrogatories and document requests: that the number of interrogatories served exceeded seventy-five and somehow this excused Davis from responding to any of the document requests.

Legend Pictures made a good faith effort to resolve the dispute by citing case law showing that the grounds for his objection were invalid.

When Davis refused to withdraw his objections, on May 20, 2013, Legend Pictures moved to compel answers.

On September 4, 2013, the Board issued a thorough, 22 page, decision compelling Davis to answer Petitioner's discovery requests. Specifically, the Board ordered Davis to:

- Answer Legend Picture's Interrogatory Nos. 1-21;
- Answer, without objection, and produce all documents responsive to Legend Pictures' Requests for Production Nos. 2, 3, 4, 5, 6(a), 7, 12-29 and 31-39;
- Answer and produce all documents responsive to Legend Pictures' Requests for Production Nos. 1, 6(b), 8-11 and 30; and
- Produce a privileged document log.

The Board cited numerous cases to support its position that the interrogatories were well within the permissible limits. The Board also ruled that Davis' refusal to answer and objection to the document requests, on the ground that the interrogatories exceeded 75 in number, was invalid.

The Board ordered Davis to comply completely with its order by October 4, 2013. Davis failed to comply. Instead, on October 4, 2013, Davis sought to evade the Board order by filing an utterly meritless Petition to overrule the interlocutory order. Citing not a single substantive fact or case to support his Petition, Davis asserted that the Director should find that the Board had showed subjective favoritism in ruling on Legend Picture's motion.

Because of the filing of Davis' petition, which effectively thwarted Petitioner's ability to obtain answers to its discovery requests and to obtain follow up discovery, the Board, on October 31, 2013, suspended the case.

On December 31, 2013 the Director denied Davis' Petition, finding no evidence of favoritism and finding that the Board's ruling was fully justified in fact and in law.

On January 7, 2014, the Board resumed proceedings. Again, the Board ordered Davis to Legend's discovery requests, namely ordering Davis to:

- Answer Legend Picture's Interrogatory Nos. 1-21;
- Answer, without objection, and produce all documents responsive to Legend Pictures' Requests for Production Nos. 2, 3, 4, 5, 6(a), 7, 12-29 and 31-39;
- Answer and produce all documents responsive to Legend Pictures' Requests for Production Nos. 1, 6(b), 8-11 and 30; and
- Produce a privileged document log.

This time, the Board ordered Davis to fully comply with its Order by January 22, 2014. The Board expressly warned Davis that failure to fully and completely and timely comply with its order by that date could result in sanctions.

Davis again has failed and refused to comply with a direct Board order. No written responses or documents were served by Respondent on January 22, 2014.

Instead, on January 23, 2014, one day after its responses were due, Respondent served objections and meaningless responses to Interrogatories Nos. 1-21. See, Exhibit A.

On February 19, 2014, almost a month past their due date, Respondent served Petitioner with objections to all of Petitioner's Requests for Documents. See, Exhibit B.

Each interrogatory response and each document request response, is virtually without content.¹ All are rife with objections. Despite having been expressly ordered to answer the following without objection, Respondent even objected to Petitioner's Requests for Production Nos. 2, 3, 4, 5, 6(a), 7, 12, 29, and 31-39.

Furthermore, despite the fact that Respondent 1) did not produce a privilege document log; 2) has repeatedly claimed pro se status; and 3) knows that the TTAB protective order applies, Respondent is withholding documents by claiming 'privilege' and 'confidentiality.'

In short, fully one year after Petitioner served its discovery requests on Respondent, and despite two Board orders compelling Respondent's answers, a denied Petition to the Director, and more than three months after the Boards' latest imposed due date, Petitioner is no closer to obtaining meaningful answers to its discovery than the date those requests were first served.

II. SUMMARY OF ARGUMENT

When a party like Davis violates the discovery rules and the Board's orders, the Board may impose a severe sanction, such as default, not only to penalize a party that has willfully violated court orders, but also to deter other litigants from future disruption of the judicial process.

In this instance, the choice of default as a sanction is fully justified. Davis twice has willfully violated the Board's orders compelling him to answer discovery by:

- Refusing to respond to any discovery by the dates set by the Board;

¹ Respondent produced a total of approximately 3 minutes of what appear to be recent home shot videos of inter alia defendant jumping up and down in a gym, and a girl walking down a hallway and another girl walking down a similar hallway. Also one very short home made tape shows a person on a dark stage.

- Refusing to answer discovery without objection;
- Refusing to produce the ordered documents;
- Refusing to produce a privilege document log while claiming the work product and attorney client privileges; and,
- Refusing to produce documents based on claims of confidentiality.

Further, he did so in the face of a direct Board order warning him that it would impose sanctions, if he failed to do so.

Davis' unwillingness to obey the Board despite the clear warnings it gave demonstrates that lesser sanctions will be ineffective. Davis' disobedience is not an isolated incident--he has previously contravened an order requiring him to produce discoverable material by filing a frivolous and baseless petition to the Director, attacking the integrity of the Board --and his repeated misconduct has compromised Legend Pictures' discovery efforts.

Davis's pro se status does not change things; even the most severe sanctions may be imposed against pro se parties when their misconduct is willful.

III. ARGUMENT

A) Under the present circumstances, default judgment is justified.

Given Davis' disregard for the discovery process and the Board's orders, the Board's decision to enter a default pursuant to Rule 37 is justified. Rule 37 authorizes a district court and the Board to sanction a party (1) that “fails to obey an order to provide

or permit discovery,” Fed. R. Civ. P. 37(b)(2)(A). For this transgression, a court or the Board may enter “a default judgment against the disobedient party.” Fed. R. Civ. P. 37(b)(2)(A)(vi); Fed. R. Civ. P. 37(d)(B)(3)(cross-referencing the sanctions listed in Rule 37(b)(2)).1.

Here, given two years of failure to comply, and a truly frivolous Petition to the Director imposed by Davis to further obstruct Legend Pictures’ right to obtain discovery, the Board has enough to assume that given additional opportunities Davis will not fulfill his obligations in this case. Instead, as in the past, he will use the Board’s processes to evade discovery and impose undue burdens on Petitioner and the Board.

Several factors may be useful in evaluating whether default judgment should be entered as a sanction for abuse.

These are: first, [whether] the errant party's behavior has severely hampered the other party's ability to present his case—in other words, that the other party has been so prejudiced by the misconduct that it would be unfair to require him to proceed further in the case. Second, [whether] the prejudice caused to the judicial system [by] the party's misconduct has put an intolerable burden on [the Board] by requiring the [Board] to modify its own docket and operations in order to accommodate the delay. And finally, the [Board] may consider the need to sanction conduct that is disrespectful to the [Board] and to deter similar misconduct in the future. See, Benedict v. Super Bakery, 665 F.3rd 1263 (Fed. Cir. 2011).

1. Davis’ behavior has severely hampered Legend Pictures’ ability to present its case.

Legend served its first set of discovery on March 2013. To date it has not received a single substantive answer to this discovery. Instead it has been forced to file a motion to compel, a response to the Petition to the Director, a Motion for Sanctions, and if this case is not terminated, it will be forced to file a second Motion to Compel.

Further, both Legend and the Board has had to endure countless delays in this proceeding.

Neither mistake nor inadvertence explains Davis's disobedience. Davis had no legitimate excuse for failing to answer discovery in the first instance, or for seeking to avoid the first September 22, 2013 Board order, or for filing a frivolous Petition to the Director, or for his complete disregard of the second Board order that he produce the discovery legitimately sought by Legend Pictures by January 22, 2013.

Legend Pictures wanted answers to these requests as early as possible because such material was critical to Legend Pictures' determination of what, if any, Davis claims were valid, and as to which if any goods and services. Legend Pictures thus already was prejudiced by Davis as his efforts have compromised Legend's ability to prosecute its claims against Davis and hampered Legend's ability to make or execute a discovery strategy.

2. Davis ignored his discovery obligations and flouted the court's orders repeatedly putting an intolerable burden on the Board

Davis has disrupted the discovery process repeatedly. Davis failed to produce the discovery when initially required in April 2013. And, as discussed above, he never produced the discovery required by the Board's orders in September 2013 and January 2014, even after twice being ordered to do so. This repeated misconduct has forced the

Board to extend or suspend the discovery deadlines more than once. These extensions and suspensions have resulted in over one year's worth of delays. Substantially all of these discovery delays have been substantially related to Davis' failure to cooperate in discovery.

3. Davis' actions have been disrespectful of the Board and its processes

Davis repeatedly has shown his complete and utter disregard for the Board. He failed to produce the requested discoverable information and material though twice ordered to do so by the Board. Further, he filed a meritless Petition to the Director questioning the Board's integrity. Clearly this Petition was intended solely to delay the Cancellation proceeding and to further disrupt the case. Taken together, these circumstances surrounding Davis's willful and repeated refusal to obey the court's discovery orders demonstrate that the Board will not abuse its discretion by entering a default. "[D]iscovery orders are meant to be followed," and a party like Davis "who flouts such orders does so at his peril." Bambu Sales v Ozak Trading Inc., 58 F.3d 849, 853 (2nd Cir. 1995) (internal quotation marks omitted).

4.Davis' pro se status does not excuse his conduct.

Proceeding without counsel is not a license to engage in discovery abuse. Even if the Court accepts Davis's contention that he is pro se, leniency is not required for Rule 37 defaults. '[A]ll litigants, including pro ses, have an obligation to comply with court orders,' " Agiwal v. Mid Island Mortg. Corp., 555 F.3d 298, 302 (2nd Cir. 2009). Rule 37 is available for administration when any party willfully disobeys a court's discovery

orders. Bambu Sales, supra., 58 F.3d at 853; John B. Hull, Inc. v. Waterbury Petroleum Products, Inc., 845 F.2d 1172, 1176. The most severe sanctions--dismissal and default--“may be imposed even against a plaintiff who is proceeding pro se, so long as a warning has been given that noncompliance can result” in a sanction. Valentine v. Museum of Art, 29 F.3d 47, 50 (2d Cir. 1994) (affirming dismissal sanction after a pro se plaintiff failed to appear for his deposition).

Davis received two orders and one warning, but he still did not produce the requested discovery. Particularly in light of this willful disobedience, Davis' lack of representation cannot shield him from the court's choice of sanction. See, e.g. Agiwal, 555 F.3d at 303 (affirming dismissal sanction imposed against a pro se plaintiff who failed to appear for his scheduled deposition); Baba v. Japan Travel Bureau Int'l, 111 F.3d 2, 5 (2nd Cir. 1997) (affirming dismissal of pro se plaintiff's suit under Rule 37(b)).

Ultimately, whether or not Davis had a right to file a Petition to the Director, he was obliged to obey the court's orders. Davis does not identify any case, let alone Federal Circuit precedent, standing for the proposition that a Petition, even if in error, gives a party free rein to disregard a TTAB order. To the contrary, “[i]t is axiomatic that a court order must be obeyed, even assuming its invalidity, until it is properly set aside.” Leighton v. Paramount Pictures Corp., 340 F.2d 859, 861 (2nd Cir. 1965). Regardless of whether Davis agreed with it, the Petition did not excuse him from complying with the Board order.

5. Default judgment may be warranted in cases of repeated failure to comply

Default judgment may be warranted in cases of repeated failure to comply with reasonable orders of the Trademark Board, when it is apparent that a lesser sanction would not be effective.”

While entry of default under Rule 37 “is a drastic remedy,” it is warranted “where a party fails to comply with the court’s discovery orders willfully.” John B. Hull, Inc., 845 F.2d at 1176 (2nd Cir. 1988).

Were this Board “to adopt a position that overly inhibits the imposition of the harsher sanctions authorized by Rule 37, [it] would turn the rule into a ‘paper tiger.’ ” Sieck v. Russo, 869 F.2d 131, 134 (2nd Cir. 1989). The “most severe in the spectrum of sanctions” must “be available to the district court,” not merely to penalize those who violate discovery orders, but also “to deter those who might be tempted to such conduct in the absence of such a deterrent.” National Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 643 (1976).

The decision to enter a default against Davis will be entirely justified in light of his willful and repeated misconduct, which prejudiced the Board’s own process and Legend Pictures.

IV. CONCLUSION

The TTAB will not abuse its discretion or otherwise commit any error, in entering default judgment against Davis. Should the Board however wish not to terminate this case at this juncture, Legend asks the Board to enter appropriate sanctions including but not limited to the following:

- Order that Davis may not introduce or rely on any documents or other information produced after January 22, 2014;
- Order that Davis may not introduce or rely on any documents or other information on the claim of fraud or deem that claim admitted;
- Order that Davis may not file any other motions or papers in this proceedings or petitions without the prior consent of the TTAB;
- Order that Davis fully and completely answer ALL of Legend's First and Second Set of Interrogatories and First Requests for Production without objection within ten days of the Board's order, failing which the case shall be decided as in case of default against Davis.

Meantime, as Legend cannot proceed to trial, Legend asks the Board to suspend the case running from the date of the filing of this motion, and if the case is not terminated as a result of this motion, that the Board extend discovery for sixty days solely for Legend's benefit, including expert disclosures, the closing of discovery and all remaining dates.

Respectfully submitted,

Date: April 22, 2014

/Carla C Calcagno/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 22, 2014 a true and accurate copy of the foregoing:

**LEGEND PICTURES, LLC's MOTION FOR DISCOVERY SANCTIONS AND
TO SUSPEND AND EXHIBITS A-B IN SUPPORT THEREOF**

was served by agreement of the parties on Defendant by emailing a copy of the same to nevisbaby@hotmail.com and tharilest@yahoo.com.

/Janet G Ricciuti/
Janet G Ricciuti

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF REGISTRATION NO.: **4,106,459**

For the mark **LEGENDARY**

Date of Issue: February 28, 2012

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LEGEND PICTURES, LLC,)	
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Petitioners,)	
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v.)	Proceeding No. <u>92056168</u>
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)	
QUENTIN DAVIS)	
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Registrant.)	
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**REGISTRANT’S ANSWERS AND OBJECTIONS TO PETITIONER’S
FIRST AND SECOND SET OF INTERROGATORIES**

In accordance with applicable civil procedure, Registrant does hereby respond to Petitioner’s first and second set of Interrogatories.

GENERAL OBJECTIONS

Registrant does present the following as general objections to Petitioner’s first and second set of interrogatories.

- A. Registrant objects to the terms “Petitioner” and “Legend Pictures” by given definition to be over extensively broad, impractical, and inapplicable to the relevance and scope of this proceeding.
- B. Registrant objects to the terms “Defendant” and “Davis” which by given definition appear partially to refer to current owner of Registration # 4106459 “Quentin Davis”. To the extent that this is understood, the given definition is highly inaccurate.
- C. Registrant objects to the terms “Legend Pictures’ Marks”, and “LEGENDARY PICTURES LEGENDARY Marks” in any instance that the

given definitions, "...all marks and designations either used, applied for, or registered by or on behalf of Legend Pictures, LLC consisting of or including the term LEGENDARY...", do imply ownership which may not be factual.

- D. Registrant objects to the 'identification' requirements of documents on the grounds that they extend undue burden and response beyond the reasonable requirements of the Registrant pursuant to Civil Procedure.
- E. Registrant objects to the Petitioner's discovery requests to the extent that they extend undue burden and response beyond the reasonable requirements of the Registrant pursuant to Civil Procedure.
- F. Registrant objects to Petitioner's discovery requests to the extent that they are vague, ambiguous, overly broad, and/or unduly burdensome.
- G. Registrant's responses to the discovery requests are accurate to the most reasonable knowledge of the Registrant with respect to the clarity, understanding, and reasonable interpretation of the Petitioner's requests.
- H. Registrant's responses do not waive the general objections and are all subject to Registrant's general objects to the extent that they apply.
- I. Registrant's responses re made with the knowledge and information available at the moment of response. Registrant reserves the right to alter, clarify, or amend responses as necessary.
- J. Registrant's general or specific objection, is not to be taken as an admission that any information or documents exist that would be responsive to Petitioner's associated request.

REGISTRANT'S RESPONSES

INTERROGATORY NO. 1

Identify, with the same degree of particularity as in its registration(s), each of the products or services now or ever applied for, registered, promoted, sold, rendered or performed by DAVIS (see Definitions and Instructions) in connection with any mark consisting of or including the term LEGENDARY (see Definitions and Instructions).

Response: To the extent that the Registrant understands the question, all of the service uses listed in Registration# 4106459 for the mark Legendary apply.

INTERROGATORY NO. 2

For each and every product or service identified in response to Interrogatory No 1, state the following: (a) the date DAVIS first either offered, sold or promoted the product or service in connection with the DAVIS LEGENDARY Mark (see Definitions and Instructions) in the United States; or if the product or service has not yet been offered, sold or distributed, the expected first use date of the DAVIS LEGENDARY Mark in connection with such goods or services; (b) the earliest priority date DAVIS contends it is entitled to claim as to the United States for each product or service; and (d) the circumstance (i.e., in the case of actual use, the mark used, or in the case of constructive use, the application filing, by country and serial number) giving rise to such alleged actual or constructive priority rights.

Response: Registrant objects to this interrogatory in that it is vague, ambiguous, and overly broad. Subject to this objection and to the extent that the Registrant understands the questions,...

(a) 9/1/1999

(b) Registrant is unfamiliar with the term “priority date”. To the extent that the Registrant understands the question... 9/1/1999

(d) Registrant is unfamiliar with the term “priority rights” ”. To the extent that the Registrant understands the question... 9/1/1999

INTERROGATORY NO. 3

Identify all outside firms that are now or have ever been employed by DAVIS in connection with the advertising or promotion of goods or services under the DAVIS LEGENDARY Mark in the United States, and state the identity of those persons responsible for DAVIS’s account with respect to the DAVIS LEGENDARY Mark. This specifically includes but is not limited to the agencies or firms now or ever employed by DAVIS in connection with the design, text, or content of each business card, webpage or other advertisement ever displayed by DAVIS for products or services advertised or offered under the DAVIS LEGENDARY Mark.

Response: To the extent that Registrant understands the interrogatory, none.

INTERROGATORY NO. 4

For each and every product or service identified in response to Interrogatory No. 1 now or ever sold by DAVIS under the DAVIS Mark in the United States, state the inclusive dates during which DAVIS has offered or sold such products or services under the DAVIS LEGENDARY Mark in the United States, and for any periods of non-use in the United States, explain the reasons for such non-use.

Response: To the extent that the Registrant understands the interrogatory, Registrant has offered services from 9/1/1999 –currently

INTERROGATORY NO. 5

Identify all instances of actual confusion, mistake or deception known to DAVIS as to the source or origin, sponsorship or association as between its use or proposed use of any mark or designation consisting of or including the term LEGENDARY for any goods or services and the LEGEND PICTURES LEGENDARY Marks (see Definitions and Instructions).

Response: To the extent that the Registrant understands the interrogatory, Registrant presumes that the Petitioner is asking if the Registrant is aware of any consumer confusion or mistaken association between the Petitioner and the Registrant. The Registrant is unaware of any consumer confusion or mistaken association between the Petitioner and the Registrant.

INTERROGATORY NO. 6

Identify each person whom DAVIS expects to call as a witness at trial, state the subject matter on which the person is expected to testify, and state the substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion.

Response: To the extent that the Registrant understands the interrogatory, Registrant has no witnesses to identify at the time.

INTERROGATORY NO. 7

Identify each person (see Definitions and Instructions) DAVIS is aware of who now or ever has used, applied for, or registered any mark, company or trade name, or domain name (hereafter collectively “proprietary designations”) consisting of, or including, the term LEGENDARY for any goods or services in the United States, and state the nature of the goods or services on which each of these proprietary designations were used, applied for, or registered by each third party.

Response: To the extent that the Registrant understands the interrogatory, the Registrant is only aware of himself.

INTERROGATORY NO. 8

For each product and service presently distributed, offered, sold or promoted or planned to be distributed, offered, sold or promoted under the LEGENDARY Mark by or on behalf of DAVIS in the United States, state the channels of trade through which DAVIS nor or has ever moved, or for products and services not presently in use, intends to move such products and/or services.

Response: To the extent that the Registrant understands the interrogatory, the channels of trade which the Registrant has utilized include, telecommunication, direct to consumer, and internet

INTERROGATORY NO. 9

State: (1) the name of the parties, (2) the Civil Action number, Opposition Number, Cancellation Number or other proceeding number; and (3) the jurisdiction, of all legal, administrative, or regulatory proceedings known to DAVIS, brought by or against DAVIS or any affiliated “person” (see Definitions and Instructions) involving any of the goods or services involved in these proceedings or which concern any mark or designation consisting of the term LEGENDARY, or which concern allegations of intellectual property infringement.

Response: Registrant objects to this interrogatory on the grounds that it is unduly burdensome, overly broad, and requests information which is not of required compliance with civil procedure.

INTERROGATORY NO. 10

For each and every product and service now or ever sold or rendered under the DAVIS LEGENDARY Mark in the United States, state by the type of product or service (e.g. “live musical performances,” “music production,” “record distribution,” “music recordation,” “music composition,” “music transcription,” “songwriting,” “music publishing” or other entertainment services), DAVIS’s annual U.S. sales by unit and dollar amount for each year since DAVIS alleges his DAVIS LEGENDARY Mark was first used.

Response: Registrant objects to this interrogatory on the grounds that it seeks confidential information. Registrant further objects to this interrogatory on the grounds that it the information sought is unnecessary.

INTERROGATORY NO. 11

For each and every product and service identified in response to Interrogatory No. 1 state the following:

(a) the number of persons annually who retained Davis to either produce, distribute, record, publish, compose, transcribe, write songs, or perform any other entertainment services offered under the DAVIS LEGENDARY Mark, for each year since DAVIS alleges his DAVIS LEGENDARY Mark was first used; (b) the inclusive dates and locations where such services were actually performed or rendered;

Response: Registrant objects to the interrogatory in that it is unduly burdensome and highly unreasonable to expect Registrant to remember the number of persons, dates, and locations Registrant did produce, distribute, record, publish, compose, transcribe, write songs, or perform any other entertainment services

INTERROGATORY NO. 12

For each and every product or service now or ever offered or promoted or distributed by DAVIS in the United States under the LEGENDARY Mark, state by the type of product or service (e.g. live musical performances,” “music production,” “record distribution,” “music recordation,” “music composition,” “music transcription,” “songwriting,” “music publishing” or other entertainment services), in U.S. dollars the amount DAVIS has expended annually promoting each of those goods and services for each year since first use; stating the types of advertising or promotional media employed; the geographic regions of the United States in which each type of media was employed; and the amount expended each year for each type of media.

Response: To the extent that the Registrant understands the interrogatory, the registrant is unaware of how much has been spent annually to promote services.

INTERROGATORY NO. 13

Describe in detail DAVIS’s contention as to the ordinary purchasers or expected ordinary purchasers of the goods and/or services sold or to be sold under the parties’ LEGENDARY Marks including without limitation, DAVIS’s contention as to the level of care likely to be exercised by such ordinary purchasers in purchasing the goods and/or services sold under the Parties’ Marks.

Response: To the extent that the Registrant understands the interrogatory, the Registrant’s ‘expected ordinary’ clientele would include many individuals or

companies seeking interests in music related and musical audio and video related services. Registrant is unclear of what the 'level of care' reference means.

INTERROGATORY NO. 14

Identify (See Definitions and Instructions) all person(s) whom DAVIS contends is knowledgeable or upon whom DAVIS may rely as knowledgeable as to DAVIS's use in commerce, as that term is defined in Section 45 of the Lanham Act, of products or services under the DAVIS LEGENDARY Mark, from the first use to the present for each and every product and service upon which Davis contends the DAVIS LEGENDARY Mark now or has ever been used. This interrogatory specifically includes but is not limited to those knowledgeable as to DAVIS's alleged use of the term LEGENDARY in connection with each product and service listed in Registration No. 4106459.

Response: Registrant objects to the interrogatory as unduly burdensome and furthermore impossible. It is highly unreasonable to expect Registrant to identify every person knowledgeable of Registrant's use in commerce for the mark Legendary.

INTERROGATORY NO. 15

State the inclusive dates during which DAVIS first and has continued to use the DAVIS LEGENDARY mark and identify all documents in DAVIS's possession evidencing such first and continuing use.

Response: To the extent that the Registrant understands the interrogatory, 9/1/1999 – present. Registrant will attach accompanying documents which are currently available and not subject to privilege.

INTERROGATORY NO. 16

State with particularity all information in support of the denials in DAVIS's Response to Legend Pictures' Petition for Cancellation.

Response: Registrant objects to this interrogatory as it seeks information protected by the work-product privilege. Subject to this specific objection and without waiver, Registrant has provided supporting information in Registrant's response to Petitioner's petition.

INTERROGATORY NO. 17

State with particularity all information in support of the affirmative defenses in DAVIS's Response to Legend Pictures' Petition for Cancellation.

Response: Registrant objects to this interrogatory as it seeks information protected by the work-product privilege. Subject to this specific objection and without waiver, Registrant has provided supporting information in Registrant's response to Petitioner's petition.

INTERROGATORY NO. 18

Identify (See definitions and instructions) each person other than Petitioner or its agents and attorneys, or the USPTO with whom DAVIS has communicated about this proceeding, or with whom DAVIS consulted in drafting "Registrant's Response to Petition for Cancellation," and state in detail the substance of the facts and opinions communicated by each party to the communication.

Response: Registrant objects to the interrogatory on the grounds that it seeks information protected by privilege and that the information requested is irrelevant.

INTERROGATORY NO. 19

For each witness named in DAVIS's initial disclosures other than Petitioner's attorneys, state in detail the substance of the facts and or opinions about which the witnesses named is expected to have discoverable information, and provide the regular employment or business 13 address (or other applicable daytime address) where the witness can be personally served. Please note that this interrogatory is not satisfied by a post office box address, as set forth in the present initial disclosures.

Response: At the time, Registrant does not plan to call any witnesses

INTERROGATORY NO. 20

Identify those persons who had more than a clerical role in the answering of Legend Pictures' First or Second Set of Interrogatories or in any search for documents in connection with said interrogatories or Legend Pictures' Request for Production of Documents and beside the name of each such person, state the number of the interrogatory answer(s) with respect to which that person participated in or supplied information.

Response: None

INTERROGATORY NO. 21

For each and every product and service identified in response to Interrogatory No. 1 set forth in Legend Pictures First Set of Interrogatories, identify (see Definitions and Instructions) five persons annually who retained DAVIS to perform or render each such services, or to whom Davis actually sold such products, for each year which DAVIS alleges he sold such products or rendered such services.

Response: Registrant objects to this interrogatory on the grounds that it seeks privileged confidential information concerning Registrant's clientele who are not a party to this proceeding.

Respectfully Submitted,

/Quentin Davis/
Quentin Davis – Registrant
P.O. Box 47893
Tampa, Florida 33646

January 23, 2014
Date

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January 2014, a true and complete copy of the foregoing **REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST AND SECOND SET OF INTERROGATORIES** was served to Plaintiff via electronic mail to:

Carla Calcagno at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccalcagno@gmail.com

Calcagno Law
1250 24th Street NW, Suite 300
Washington, DC 20037

/Gloria Walters/

Gloria Walters
Administrative Assistant to the Registrant
P.O. Box 47893
Tampa, Florida 33646

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF REGISTRATION NO.: **4,106,459**

For the mark **LEGENDARY**

Date of Issue: February 28, 2012

<hr/>)	
LEGEND PICTURES, LLC,)	
)	
Petitioners,)	
)	
v.)	Proceeding No. <u>92056168</u>
)	
)	
QUENTIN DAVIS)	
)	
Registrant.)	
<hr/>)	

**REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS 1-39**

GENERAL OBJECTIONS

Registrant hereby incorporates the General Objections to Petitioner's first and second set of interrogatories.

Registrant would like to make Petitioner aware that Registrant is unable to produce certain documents at this time due to storage (hard drive) failure and complications, as well as lack of document location knowledge. When and if any applicable documents are recovered or located, Registrant may produce applicable documents to the extent that they still exist, are relevant, necessary, and are not subject to privilege.

Registrant also submitted a business card as a statement of use to the USPTO which has not been included in this response but may apply to several of Petitioner's requests.

Registrant expressly reserves the right to supplement, amend, correct, or modify the responses and/or objections as deemed necessary by the Registrant.

Registrant has attached file containing exhibits A through I.

Exhibit A: exemplary title video taken from music video produced by Registrant

Exhibit B: exemplary closing video taken from musical video production produced by Registrant

Exhibits C through F: excerpts taken from musical video productions which were produced by Registrant

Exhibit G: live stage performance featuring the Registrant

Exhibit H: exemplary excerpt of musical audio produced and composed by the Registrant

Exhibit I: business card for Registrant

Exhibit J: link to social media site with embedded musical audio video featuring the Registrant

<https://www.facebook.com/photo.php?v=400064675869&set=vb.504730869&type=3&theater>

REGISTRANT’S RESPONSES TO PETITIONER’S PRODUCTION REQUESTS

1. All documents and things which reflect, refer to, relate to, or concern DAVIS’s design, conception, selection, and adoption of the mark or designation the DAVIS LEGENDARY Mark (see Definitions and Instructions) in connection with each type of product or service identified in response to Interrogatory No. 1.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that the documents requested may be applicable to the protection of confidential trade secret privilege. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits Exhibits A,B,I,J.

2. All documents and things which reflect, refer to, relate to, evidence or concern the consumer awareness of, consumer understanding of, or reaction to, or availability of any mark or designation consisting of the term “LEGENDARY” for DAVIS’s products and/or services.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that certain portions of the information requested may protected by commercial information privilege. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all exhibits attached.

3. All documents and things which reflect, refer to, relate to, evidence or concern the domain name and trademark availability of any mark or designation consisting of the term “LEGENDARY”, including but not limited to the mark shown in Registration No. 4016459.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks to have the Registrant perform unnecessarily burdensome tasks and to provide information that is not required of the Registrant in compliance with civil procedure. Registrant objects to this request on the grounds that it may seek information protected by privilege.

4. All documents and things which reflect, refer to, relate to, evidence or concern any service mark use, trademark use, or use analogous to trademark/service mark use or other propriety use, occurring on or before 1999 of any mark or designation consisting of or including the term “LEGENDARY” by or for DAVIS in the United States.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Registrant objects to this request to the extent that it requests information protected by privilege.

5. Representative documents and things sufficient to evidence any service mark use, trademark use, or use analogous to trademark/service mark use, or other proprietary use, occurring each year after 1999, of any mark or designation consisting of or including the term “LEGENDARY” by or for DAVIS, in the United States.

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Registrant objects to this request to the extent that it requests information protected by privilege. Subject to and without waiver of these objections and to the extent the request is understood, Registrant submits all attached exhibits.

6. All documents and things which reflect, refer to, relate to, evidence, or concern (a) any trademark availability searches or analyses conducted by or on behalf of DAVIS concerning any mark or designation consisting of or including the term “LEGENDARY” in the United States; and (b) all documents and things which reflect, refer to, relate to, evidence or concern any information given in response to Legend Pictures’ Interrogatory No 7.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks to have the Registrant perform unnecessarily burdensome tasks and to provide information that is not required of the Registrant in compliance with civil procedure. Registrant objects to this request on the grounds that it seeks information protected by work product privilege.

7. Documents and things sufficient to evidence the advertising and/or promotional and/or marketing activity carried on by DAVIS in connection with each product or service on which or in connection with which any mark or designation consisting of or including the term “LEGENDARY” has been used in any fashion by or for DAVIS.

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent the request is understood, Registrant submits all attached exhibits.

8. All documents and things which reflect, refer to, relate to or evidence the date any mark or designation consisting of or including the term “LEGENDARY” was first used by or on behalf of DAVIS for each type of product or service identified in response to Interrogatory No. 1

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

9. Documents sufficient to support the information given in response to Legend Pictures’ Interrogatory Nos. 10, 11, and 12.

Response: Please see Registrant’s responses to Petitioner’s interrogatories 10, 11, and 12. Registrant objects to this request as it is unduly burdensome. Registrant objects to this request as it seeks information that is confidential. Registrant objects to this request on the grounds that it is overly broad. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Subject to and without waiver of these objections, Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

10. All documents and things which reflect, refer to, relate to or evidence a discontinued or interrupted use of any mark or designation consisting of or including the term “LEGENDARY” by DAVIS, after his first use, for any of the products or services identified in response to Interrogatory No. 1.

Response: To the extent that the request is understood, no such documents exist.

11. All documents and things which reflect, refer to, relate to or evidence the information given in response to Legend Pictures’ Interrogatory No. 5.

Response: Please see Registrant’s response to Petitioner’s interrogatory 5. To the extent this request is understood, Registrant is unaware of the existence of any such document.

12. All documents and things tending to support or negate the contention that the LEGEND PICTURES LEGENDARY Marks do not so resemble the DAVIS LEGENDARY Mark as to be likely when used in connection with the parties’ goods and services to cause confusion or to cause mistake or to deceive.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as vague and unclear as the request seeks documents which both “support” and “negate” while utilizing the conjunction “or” between them. Registrant objects to this request to the extent that it seeks information protected by work product privilege.

13. All documents and things which reflect, refer to, relate to, evidence, or concern any mail, telephone calls, checks, orders, inquiries, payments, complaints, deliveries or other communications or materials which were received by DAVIS but which were addressed to or which appeared to have been intended for Legend Pictures or which relate to Legend Pictures’ products or services offered under the LEGENDARY PICTURES LEGENDARY Marks.

Response: Registrant objects to this request to the extent that it seeks information protected by several privileges. Subject to these objections and without waiver, to the extent that the request is understood, no such documents exist.

14. All documents and things in DAVIS’s control, custody or possession which concern, reflect, refer to or relate to or mention Legend Pictures, the LEGEND PICTURES LEGENDARY Marks or Legend Pictures’ products or services.

Response: Registrant objects to this request on the grounds that it seeks information protected by the work product privilege.

15. All documents and things which reflect, refer to, relate to or concern any state or federal trademark applications filed by DAVIS which would cover any mark consisting of or including the term “LEGENDARY.”

Response: Registrant objects to this request on the grounds that it seeks confidential information and information protected by work product privilege. Subject to these objections and without waiver, to the extent that the request is understood, non-privileged documents sufficient to satisfy this request are publicly available through the USPTO.

16. All documents and things which reflect, refer to, relate to or concern the design and selection of the DAVIS LEGENDARY Mark, including but not limited to the creation, mark-up and selection of the mark shown in Registration No. 4016459, and the rejection of any alternative marks or names or designs.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that the documents requested may be applicable to the protection of confidential information and trade secret privilege. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits Exhibits A,B,I,J.

17. All documents reflecting relating to or concerning any activity by an advertising agency or public relations firm or other person (or an individual or organization internal to DAVIS performing a similar function), including correspondence, relating to DAVIS’s products

and/or services to be offered or sold or proposed to be offered or sold in connection with any mark or designation consisting of or including the term “LEGENDARY.”

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that the documents requested may be applicable to the protection of trade secret privilege. Registrant objects to the request to the extent that it seeks confidential information. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all attached Exhibits.

18. Documents sufficient to show all channels of trade through which DAVIS’s products or services offered under the DAVIS LEGENDARY Mark” (see Definitions and Instructions) move or will move and the marketing channels used or intended to be used by DAVIS for such products or services.

Response: Registrant objects to this request to the extent that it requests confidential information. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all attached Exhibits.

19. Documents sufficient to show all classes or types of purchasers to whom DAVIS markets, or to whom DAVIS intends to market, his products or services and who purchase or will purchase any products or services offered by or on behalf of DAVIS under “the DAVIS LEGENDARY Mark.”

Response: Registrant objects to this request on the grounds that it is overly broad. Registrant objects to this request to the extent that it requests privileged confidential information concerning clientele who are not a party to this proceeding. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all attached Exhibits.

20. To the extent not produced in response to an earlier request, a representative example of each different advertisement or promotional material, presently distributed by or for DAVIS, or planned to be distributed by or for DAVIS, that mentions, identifies, or describes any products or services offered by DAVIS under “the DAVIS LEGENDARY Mark.”

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent that the request is understood, registrant submits all attached Exhibits.

21. To the extent not produced in response to an earlier request, a full copy of each different electronic advertisement, including but not limited to a complete copy of every web page, now or ever distributed by or for DAVIS, or planned to be distributed by or for DAVIS that mentions, identifies or describes any products or services offered by DAVIS under the DAVIS LEGENDARY Mark.

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent that the request is understood, registrant submits Exhibit J.

22. To the extent not produced in response to an earlier request, documents and things sufficient to show DAVIS's use of the DAVIS LEGENDARY Mark in connection with each and every product and service offered by DAVIS for each year since the earliest date of first use that DAVIS will claim in these proceedings.

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent that the request is understood, registrant submits all attached Exhibits.

23. Documents sufficient to establish DAVIS's sales, by dollar and unit volume, for each service rendered or product sold or offered for each year since DAVIS first used any mark or designation consisting of or including the DAVIS LEGENDARY Mark.

Response: Registrant objects to this request as it seeks information protected by financial information privilege.

24. Documents sufficient to establish the names and business or home addresses and telephone numbers of not less than 5 persons per year for whom DAVIS has rendered each of the services described in its Registration or to whom DAVIS sold product under the DAVIS LEGENDARY MARK for each year since DAVIS first used any mark or designation consisting of or including the term the DAVIS LEGENDARY Mark; and all documents in DAVIS' possession supporting or evidencing such alleged sale or rendering of services under the DAVIS LEGENDARY Mark.

Response: Registrant objects to this request to the extent that it requests privileged confidential information concerning clientele who are not a party to this proceeding.

25. For each good or service now or ever promoted by or on behalf of DAVIS in the United States under the DAVIS LEGENDARY Mark, documents sufficient to show in U.S. dollars the amount DAVIS has expended annually promoting each of those goods and services for each year since first use; the types of advertising media employed; the geographic regions of the United States in which each type of media was employed; and the amount expended each year for each type of media.

Response: Registrant objects to this request to the extent that it seeks information protected by the financial information privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist.

Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

26. A representative copy of each packaging, labeling, and advertising materials presently used or proposed to be used by DAVIS for all products and services under the DAVIS LEGENDARY Mark.

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. With respect to these conditions, and to the extent that the request is understood, Registrant submits all exhibits attached.

27. All documents and things which reflect, refer to, relate to or concern any licenses, agreements to license or consents to use, taken or given by DAVIS or negotiated by DAVIS (or any predecessors of DAVIS) relating to any product or service offered, distributed or sold by or on behalf of DAVIS under the DAVIS LEGENDARY Mark.

Response: Registrant objects to this request as it seeks confidential privileged information.

28. All documents and things which reflect, refer to, relate to or concern any assignments, agreements to assign, or consents to assign or to use taken or given by DAVIS (or any predecessors of DAVIS) which relate in any way to any product or service offered by or on behalf of DAVIS under the DAVIS LEGENDARY Mark.

Response: Registrant objects to this request as it seeks confidential privileged information.

29. All documents, and things, including but not limited to reports or investigations, correspondence and settlement agreements, reflecting, referring to, evidencing or concerning, any third parties having used or registered or applied to register any mark or designation, consisting of, or including, the term LEGENDARY in the United States for any of the services described in Registration No. 4106459.

Response: Registrant objects to this request as it seeks confidential privileged information.

30. To the extent not otherwise produced, all documents mentioned or identified in response to Legend Pictures' First Set of Interrogatories to DAVIS.

Response: Registrant objects to this request to the extent that it is overly broad and unduly burdensome as it seeks ALL DOCUMENTS. Registrant objects to this request to the extent that it is vague. Registrant also objects to this request to the extent that it seeks information protected by privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Subject to and without waiver of these objections, Registrant submits all attached Exhibits.

31. All documents and things, referred to in DAVIS's Initial Disclosures and all documents and things reflecting, referring to, evidencing or concerning, any information referred to in DAVIS's Initial Disclosures

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to the request on the grounds that it is vague. Registrant objects to this request to the extent that it seeks information protected by work product privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Registrant objects to this request to the extent that it requests information protected by privilege. Subject to and without waiver of these objections, Registrant submits all attached Exhibits.

32. To the extent not produced in an earlier request, all documents and things in DAVIS's possession custody or control that DAVIS may use to show that a lack of likelihood of confusion exists.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request to the extent that it seeks information protected by work product privilege.

33. To the extent not produced in response to an earlier request, all documents reflecting DAVIS's knowledge of Legend Pictures, and/or its marks, products or services prior to the filing of the cancellation proceeding.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks information protected by work product privilege.

34. All documents and things recording, relating to referring to or concerning inquiries, investigations, surveys, evaluations and/or studies conducted by DAVIS or by anyone acting for or on his behalf that refer or relate in any manner to the DAVIS LEGENDARY Mark or the LEGEND PICTURES LEGENDARY Marks, including documents and things reflecting the date conducted, the name, address and title of each person who conducted it, the purpose for which it was conducted, and the findings or conclusions made.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to the request on the grounds that it seeks information protected by the work product privilege.

35. To the extent not produced in response to an earlier request, a physical specimen of each and every label now or ever used by DAVIS to offer products, or render his services under any mark or designation consisting of the term LEGENDARY.

Response: Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. With respect to these conditions, Registrant submits Exhibits A,B, I, J,

36. Documents sufficient to reflect all persons, and in the case of juristic persons, the persons most responsible for DAVIS' account, having any involvement with the design, maintenance, manufacture, production, marketing, distribution, advertisement, offering, rendering, performance or sale of any products or services by or on behalf of DAVIS under any mark or designation consisting of or including the term LEGENDARY.

Response: Registrant objects to this request as it seeks confidential privileged information.

37. To the extent not produced in response to an earlier request, all documents reflecting, relating to or referring to each and every retail store, Internet store, mobile application store, website, online or hard copy periodical or magazine, trade show, or other promotional device through which DAVIS's products or services under the DAVIS LEGENDARY Mark are now, are presently intended to be, or have ever been offered, distributed, promoted, or sold to consumers.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to the request as vague as the request seeks information concerning services which both have been or are intended to be applicable.

38. Documents sufficient to reflect the price at which DAVIS offers its products and services under the DAVIS LEGENDARY Mark to its customers and/or consumers.

Response: Registrant objects to this request as it seeks information protected by the financial information privilege.

39. All documents in support of DAVIS's affirmative defenses or which DAVIS may rely upon to support any first and continuing use of the DAVIS LEGENDARY Mark.

Response: Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks information protected by work product privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

Respectfully Submitted,

/Quentin Davis/
Quentin Davis – Registrant
P.O. Box 47893
Tampa, Florida 33646

February 19, 2014
Date

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2014, a true and complete copy of the foregoing **REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS 1-39** was served to Plaintiff via electronic mail to:

Carla Calcagno at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccalcagno@gmail.com

Calcagno Law
1250 24th Street NW, Suite 300
Washington, DC 20037

/Gloria Walters/

Gloria Walters
Administrative Assistant to the Registrant
P.O. Box 47893
Tampa, Florida 33646